

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GINA LORME,

ORDER

03 Civ. 5239 (GBD)

Plaintiff,
-against-

DELTA AIR LINES, INC.,

Defendant.

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GEORGE B. DANIELS, District Judge:

Upon application by defendant, the Clerk of Court awarded certain costs and disbursements in this case, related to the 2004 trial in which defendant prevailed. Among the costs for which plaintiff was taxed was \$8,698.70 to reimburse defendant for daily trial transcripts and disks. Plaintiff moves, pursuant to Fed. R. Civ. P. 54(d) and Local Rule 54.1, to strike the taxation of costs for daily trial transcripts.

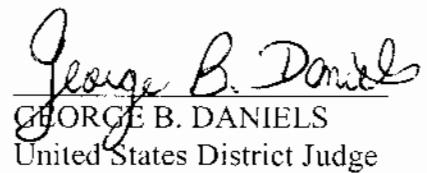
Under Local Rule 54.1, costs may be recovered for transcripts "necessarily obtained for use in this court or on appeal." Daily trial transcript is usually a convenience, rather than a necessity. Defendant has failed to establish that it was necessary to obtain daily transcripts during trial, rather than a mere convenience to counsel. The trial was neither long nor complex. Plaintiff did not order daily transcripts and, in fact, did not order any transcripts until post-trial proceedings.

Had defendant ordered the transcripts at the regular rate, defendant would have paid \$3.60/page for the transcript and \$0.90/page for the accompanying disk. The transcripts totaled 1048 pages. Thus, the total cost using the regular rates would have been \$4,716.

Defendant's award of costs for daily trial transcripts is stricken and the Bill of Costs for the trial transcript is ordered reduced from \$8,698.70 to \$4,716.

Dated: New York, New York
August 14, 2008

SO ORDERED:



GEORGE B. DANIELS
United States District Judge